

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASTRAZENECA
PHARMECEUTICALS, LP, et al.,

Plaintiff,

V.

RANBAXY PHARMACEUTICALS,
INC., et al.,

Defendants.

Civil Action No. 05-5553 (JAP)

ORDER

ORDER

This matter having been opened to the Court through three motions by Plaintiff Astrazeneca Pharmaceuticals LP, et al. (“AstraZeneca”), for an Order Sealing (1) its Opposition Brief to Ranbaxy’s Motion to Issue Letters of Request for International Assistance (hereinafter “Opposition Brief”) [Docket Entry No. 54], (2) its Brief in Support of Plaintiff’s Motion for Leave to File an Amended Complaint, as well as the Declaration of Nicole Corona with all of its exhibits and the proposed order (collectively “Moving Brief and Materials”) [Docket Entry No. 61], and (3) its Reply Brief In Support of Plaintiff’s Motion for Leave to File an Amended Complaint, as well as the Declaration of Kelly J. Garrone with all of its exhibits (collectively “Reply Brief”) [Docket Entry No. 64]; and the Court noting that the Protective Order governing this matter “allows the parties to designate information as ‘Confidential’ or ‘Attorney Confidential,’ and provides that a party wishing to use material designated ‘Confidential’ and ‘Attorney Confidential’ in a submission filed with the Court must move pursuant to Local Civil Rule 5.3 for leave to file the submission under seal” (*See* Motion to Seal Opposition Brief at 3); and the Court finding that under Rule 5.3(c) a party seeking an order to seal materials must described “(a) the nature of the materials or proceedings at issue, (b) the legitimate private or public interests which warrant the relief sought, (c) the clearly defined and

serious injury that would result if the relief sought is not granted, and (d) why a less restrictive alternative to the relief sought is not available” (*L.Civ.R. 5.3(c)(2)*); and Plaintiffs asserting that the Opposition Brief, Moving Brief and Materials, and the Reply Brief and Materials “repeat or refer to factual information contained in documents produced and marked ‘Confidential’ by defendant Teva” (*See Motion to Seal Opposition Brief at 3*); and Plaintiff further asserting that disclosure of such confidential information would be “detrimental to Teva’s business” (*Id.*); and Plaintiff further asserting that “AstraZeneca does not believe that there is a less restrictive alternative to the relief sought” (*Id.*); and the Court finding that AstraZeneca has not provided It with any reason why the release of the information sought to be protected would be detrimental to Teva’s financial interests; and the Court further finding that AstraZeneca has not explained how and why disclosure of the information in issue would harm Teva, to wit, Plaintiff has not described the nature of the information sought to be protected; and the Court further finding that Plaintiff has failed to adequately describe “why a less restrictive alternative...is not available,” but rather stated that Plaintiff does not believe a less restrictive means exists (*See L.Civ.R. 5.3(c)*); and the Court noting that Rule 5.3 mandates that the movant explain why sealing only certain sensitive pages of the briefs or exhibits would not suffice; and the Court recognizing that AstraZeneca may not have the information regarding Teva’s confidential materials necessary to fulfill the prongs of Rule 5.3; and the Court noting that no opposition to the instant motion was filed; and the Court having considered this matter pursuant to FED.R.CIV.P. 78; and for good cause shown,

IT IS on this 11th day of January, 2008,

ORDERED that Plaintiff's Motion to Seal the materials is DENIED; and it is further

ORDERED that the material in issue shall remain sealed to give Plaintiff an opportunity to refile an adequate Motion to Seal; and it is further

ORDERED that Teva shall submit to Plaintiff a Certification to be filed with the Court in conjunction with Plaintiff's renewed motion; and it is further

ORDERED that a renewed Motion to Seal addressing all three subjects of this Order shall be filed no later than **January 25, 2008** and made returnable on **February 19, 2008**; and it is further

ORDERED that the Clerk of the Court terminate these motions accordingly [Docket Entry Nos. 54, 61, and 64].

s/ Tonianne J. Bongiovanni
TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE